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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/812,039	03/29/2004	Chaitanya Kanojia	2657.2001-021	1452
21005 7590 10/26/2007 HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133 CONCORD, MA 01742-9133			EXAMINER RUBIN, BLAKE J	
			ART UNIT 4152	PAPER NUMBER
			MAIL DATE 10/26/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/812,039

**Applicant(s)**

KANOJIA ET AL.

**Examiner**

Rubin Blake

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/26/2005</u> .  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-16 are pending in this application.
2. This application is a continuation of US Application No. 09\515,032, claiming benefit to provisional Application No. 60\185,202, filed on March 6, 2000.

### ***Specification Objections***

3. The abstract of the disclosure is objected to because it exceeds the 150 maximum allowable words. Correction is required. See MPEP § 608.01(b).

### ***Drawing Objections***

4. The drawings are objected to because "head end" is referred to as part "40" in column 8 line 4, when it should be referred to as part "50". Also, "management console" is repeatedly referred to as part "100" in column 9 lines 20-27, when it should be referred to as part "110" making it consistent with the drawing and later references.
5. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because all of the reference characters in Fig. 7 and Fig. 8 have previously been used to designate different parts in Fig. 2B and Fig. 2C.
6. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference characters not mentioned in the description: Fig. 2C "Guaranteed Delivery, 1020", Fig. 4B "Is Content a Promotion, 1114", Fig. 4C "Is Content a Promotion, 1214", Fig. 4D "Is Content a Promotion, 1314". Be mindful to maintain consistency when correcting "Is Content a Promotion", in

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contrast to the current convention. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections – 35 USC § 102***

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. **Claims 1-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Yevgenity Eugene Shteyn (Patent No. 6,199,136), hereinafter Shteyn.**

9. With respect to claim 1, Shteyn discloses a system for event driven content installation on a network device over a data network, the system comprising: a network

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device detecting a change in a configuration of the network device and transferring information regarding the configuration change (Col. 7, lines 14-21; whereby the network device is the Base-AV device [BAV]); a remote server receiving the information regarding the configuration change and searching a database for content corresponding to the configuration change (Col. 7, lines 35-40; whereby the remote server is the "Fully-AV Device [FAV]", and its "Registry" searches the database); the remote server sending a message notifying the network device of a location of the content corresponding to the configuration change (Col. 7, lines 40-50; whereby the remote server is the "Fully-AV Device [FAV]", and its "Messaging System" provides the content's location); the network device requesting download of the content at the location identified in the message (Col. 7, lines 51-59; whereby the "abstract representation" of BAV requests to download the content from "Application 120" of the FAV); and the server downloading the content to the network device in response to the request (Col. 7, lines 51-59; whereby the server is the FAV, and the network device is the BAV). In order to fully learn the teachings of Shteyn's preferred embodiment, a more comprehensive reading of Shteyn is necessary (Col. 7 lines 7-67; Col. 8, lines 1-51), whereby it is clearly shown how the individual limitations, cited above, together make up the claimed system.

10. With respect to claim 2, Shteyn discloses the configuration change is an addition of hardware associated with the network device (Col. 3, lines 50-57).

11. With respect to claim 3, Shteyn discloses the content is a driver, application program, configuration file, registry data or promotion associated with the additional

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hardware (Col. 3, lines 41-50). It is assumed inherent that TV's, especially those serviced by "set top boxes" as described by Shteyn, provide promotions.

12. With respect to claim 4, Shteyn discloses the configuration change is a removal of hardware associated with the network device (Col. 2, lines 66-67; Col. 3, lines 1-3).

13. With respect to claim 5, Shteyn discloses an uninstall program for removal of software associated with the removed hardware (Col. 2, lines 66-67; Col. 3, lines 1-3).

14. With respect to claim 6, Shteyn discloses the content is a driver, application program, configuration file, registry data or promotion (Col. 3, lines 41-50). It is assumed inherent that TV's, especially those serviced by "set top boxes" as described by Shteyn, provide promotions.

15. With respect to claim 7, Shteyn discloses the remote server comprises a bulk download manager that downloads the content to the network device (Col. 7, lines 50-62).

16. With respect to claim 8, Shteyn discloses the remote server comprises a system manager that receives the information regarding the configuration change and sends the message notifying the network device of the location of the content in the database (Col. 3, lines 51-67; Col. 4, lines 1-4).

17. With respect to claim 9, Shteyn discloses the network device comprises a system agent that detects the change in the configuration of the network device and transfers information regarding the configuration change (Col. 4, lines 5-12).

18. With respect to claim 10, Shteyn discloses the network device comprises a bulk download agent that requests the download of the content (Col. 7, lines 50-62).

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19. With respect to claim 11, Shteyn discloses a method for event driven content installation on a network device over a data network, the method comprising: detecting a change in a configuration of a network device (Col. 7, lines 14-21; whereby the network device is the Base-AV device [BAV]); transferring information regarding the configuration change to a remote server (Col. 7, lines 35-40; whereby the remote server is the "Fully-AV Device [FAV]"); receiving a message from the server that provides a location in a database of the content corresponding to the configuration change (Col. 7, lines 35-40; whereby the remote server is the FAV and its "Registry" searches the database); and downloading the content from the database location identified in the message (Col. 7, lines 51-59; whereby the "abstract representation" of BAV requests to download the content from "Application 120" of the FAV). In order to fully learn the teachings of Shteyn's preferred embodiment, a more comprehensive reading of Shteyn is necessary (Col. 7 lines 7-67; Col. 8, lines 1-51), whereby it is clearly shown how the individual limitations together, cited above, make up the claimed method.

20. With respect to claim 12, Shteyn discloses the configuration change is an addition or removal of hardware associated with the network device (Col. 2, lines 66-67; Col. 3, lines 1-3).

21. With respect to claim 13, Shteyn discloses the content is a driver, application program, configuration file, registry data or promotion (Col. 3, lines 41-50). It is assumed inherent that TV's, especially those serviced by "set top boxes" as described by Shteyn, provide promotions.

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22. With respect to claim 14, Shteyn discloses a method for event driven content installation on a network device over a data network, the method comprising: receiving the information from a remote network device regarding a change in a configuration of the network device (Col. 7, lines 35-40; whereby the remote server is the FAV); searching a database for content corresponding to the configuration change (Col. 7, lines 35-40; whereby the remote server is the FAV, and its "Registry" searches the database); sending a message to the network device including a location of the content corresponding to the configuration change (Col. 7, lines 39-49; whereby the remote server is the "Fully-AV Device [FAV]", and its "Messaging System" provides the content's location); receiving a request for a download of the content at the location from the network device (Col. 7, lines 51-59; whereby the "abstract representation" of BAV requests to download the content from "Application 120" of the FAV); and downloading the content to the network device in response to the request (Col. 7, lines 51-59; whereby the "abstract representation" of BAV downloads the content facilitated by "Application 120"). In order to fully learn the teachings of Shteyn's preferred embodiment, a more comprehensive reading of Shteyn is necessary (Col. 7 lines 7-67; Col. 8, lines 1-51), whereby it is clearly shown how the individual limitations, cited above, together make up the claimed method.

23. With respect to claim 15, Shteyn discloses the configuration change is an addition or removal of hardware associated with the remote network device (Col. 2, lines 66-67; Col. 3, lines 1-3).



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24. With respect to claim 16, Shteyn discloses the content is a driver, application program, configuration file, registry data or promotion (Col. 3, lines 41-50). It is assumed inherent that TV's, especially those serviced by "set top boxes" as described by Shteyn, provide promotions.

25. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

- a. "Universal Plug and Play Connects Smart Devices," Chistensson, Bengt; Larson, Olof; Win HEC 99 White Paper;  
<http://web.archive.org/web/19991012100504/http://www.axis.com/products/documentation/UPnP.doc>.
- b. US Patent No. 6,119,098, "System and method for targeting and distributing advertisements over a distributed network".
- c. US Patent No. 6,314,459, "Home-Network Autoconfiguration".

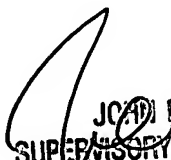
26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rubin Blake whose telephone number is (571) 270-3802. The examiner can normally be reached on M-R: 7:30-5:00.

27. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nabil El-Hady can be reached on (571) 272-3963. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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28. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BR  
10/23/2007

  
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